

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN CADENASSO,

No. C 11-00097 CRB

Plaintiff,

**ORDER DENYING TEMPORARY
RESTRAINING ORDER**

v.

CITIMORTGAGE INC., et al.,

Defendants.

Pro se plaintiff Susan Cadenasso has filed an application for a Temporary Restraining Order. This application is DENIED because it does not meet the requirements for relief. See generally Winter v. Natural Res. Def. Council, Inc., --- U.S. ----, ----, 129 S.Ct. 365, 374, 172 L. Ed. 2d 249 (2008); Alliance for Wild Rockies v. Cottrell, No. 09-35756, 2010 WL 3665149, *8 (9th Cir. Sept. 22, 2010).

In this Circuit “‘serious questions going to the merits’ and a hardship balance that tips sharply toward the plaintiff can support issuance of an injunction, assuming the other two elements of the Winter test are also met.” Alliance for the Wild Rockies, 622 F.3d at 1052. Here, the Court recognizes that the balance of the hardship tips in favor of Plaintiff, but it is not convinced that she has raised serious questions going to the merits in her assertion that the foreclosure on her home was unlawful. Moreover, the “two other two elements” of Winter have not been met, because Plaintiff has not established that she faces irreparable

1 harm. Plaintiff's home has already been foreclosed upon and she is seeking only to avoid
2 eviction. See Wendt v. Edward D. "Tito" Smith, No. 02-1361-VAP (SGL), 2003 WL
3 21750676, at *3 (C.D. Cal. Jan. 30, 2003) ("eviction from property to which they have no
4 legal claim does not amount to irreparable harm"). Though Plaintiff asserts that she will
5 suffer harm to her reputation if she is evicted, she has not made a sufficient showing that
6 such harm is either likely or that it rises to the level necessary under the law.

7 Accordingly, injunctive relief is not appropriate at this time. Plaintiff's Application
8 for Temporary Restraining Order is DENIED.

9 **IT IS SO ORDERED.**

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12 Dated: January 12, 2011


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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE